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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Commencement of Status Review and Notice of Findings on a Petition to Emergency List the Rocky Mountain Capshell as an Endangered Species**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the Rocky Mountain capshell (*Acroloxus coloradensis*) to the List of Threatened and Endangered Wildlife. The Service finds that the petition presents substantial information indicating that listing the species as endangered may be warranted. The Service initiates a status review and will prepare a 12-month finding.

**DATES:** The finding announced in this notice was made on May 7, 1993. Comments and materials may be submitted until further notice, but they must be received by June 28, 1993 to be considered in the 12-month finding.

**ADDRESSES:** Information, comments, or questions should be sent to the Colorado State Supervisor, U.S. Fish and Wildlife Service, 730 Simms Street, suite 290, Golden Colorado 80401. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** LeRoy W. Carlson, State Supervisor, at the above address or telephone (303) 231-5280.

**SUPPLEMENTARY INFORMATION:** Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petition action may be warranted. To the maximum extent practicable, the finding is to be made within 90 days of

the receipt of the petition, and the finding is to be published promptly in the Federal Register. If the finding is positive, the Service is required to promptly commence a review of the status of the involved species and to disclose its findings within 12 months (12-month finding).

On October 5, 1992, a petition dated September 30, 1992, was received by the Service from the Biodiversity Legal Foundation and Dr. Shi-Kuei Wu of the University of Colorado. The petitioners requested the Service to emergency list the Rocky Mountain limpet snail (i.e., Rocky Mountain capshell, *Acroloxus coloradensis*) as endangered and to designate critical habitat concurrently with the listing. The petitioners submitted biological, distributional, historical, and other information and scientific references in support of the petition.

The Rocky Mountain capshell is a relict species (i.e., a species from an earlier era surviving in a changed environment) that was once widely distributed over North America but that not has a disjunct distribution (Bryce 1970). It is historically known from two locations in the United States and seven in Canada. However, two of the Canadian populations are reported as extirpated (Clarke 1992b).

The number of extant individuals of Rocky Mountain capshell is unknown, but distributional records indicate declining populations. Status surveys conducted in 1992 indicated that there are two known United States populations. The Lost Lake, Glacier National Park, Montana, population is the larger, and the smaller is found in Peterson Lake, Boulder County, Colorado. The Peterson Lake population is declining and may soon be extirpated (Clarke 1992a).

The Rocky Mountain capshell, a gastropod mollusk, is a fresh-water limpet in the family Acroloxidae. A large capshell of about 5 millimeters (0.20 inch) length would have a width and height of about 3 millimeters (0.12 inch) and 1 millimeter (0.04 inch), respectively (Burch 1982; Walker 1925; Clarke 1992a).

Clarke (1973, 1992a) and Burch (1982) reported that the Rocky Mountain capshell is the only North American species in its genus, *Acroloxus* and the most primitive pulmonate mollusk in North America. It is a relict from an earlier era, and thus it could be considered a living fossil. It is possible that the capshell will be elevated to a higher taxonomic status in the future.

The petitioners, the Biodiversity Legal Foundation and Dr. Shi-Kuei Wu, submitted information that Rocky

Mountain capshell populations in the United States and Canada are imperiled by their small population size, pollution, increasing economic and recreational development, and inadequacy or lack of governmental protection for the capshell and its habitat. The economic and recreational development listed by the petitioners included road construction and use, land-management activities, mine reclamation activities, electrification, land development, and ski resort use and development.

The Service has evaluated the decline of the capshell population in Peterson Lake and possible activities that may be associated with this decline. Peterson Lake has undergone substantial landscape, mining, and habitat modifications and impacts since the late 1850's, and especially between 1973 and 1989 (Hugie *in litt.*), a time period when the capshell population at this lake experienced a decline. Evidence provided by the most recent status survey indicates the Rocky Mountain capshell population in Peterson Lake may be below viability levels and that this small population may soon be extirpated.

*Acroloxus coloradensis* can still be found in Lost Lake, a small 0.8 hectare (2 acres) lake in Glacier National Park in northwest Montana. The petitioners stated that the increasing human activity in Lost Lake could potentially destroy individual capshells and the species sensitive microhabitat. Thus, they did not view this habitat as presently secure.

The lakes in Jasper National Park that supported the capshell were poisoned in the 1950's or 1960's to eliminate undesirable fish species, thus presumably destroying the only known populations in western Canada (Clarke 1992b). The Rocky Mountain capshell populations in eastern Canada (Ontario and Quebec) appear to be vulnerable due to a lack of governmental protection and increasing water resources development.

Petitioners provided evidence that Rocky Mountain capshell populations have declined and are continuing this decline in the United States and Canada. United States populations are restricted to only two small lakes, and the species abundance has declined in one of these. Although more widely distributed in Canada, its density there

is reported by petitioners to be extremely low (i.e., about one individual in 5 square meters of suitable habitat). Petitioners have evaluated the possibility of undiscovered populations of capshell and have reviewed and evaluated museum records. Their search produced no new records.

The Service believes that the petitioners have adequately presented information about the status, distribution, and abundance of the species and that they have addressed most of the potential threats to the species in the United States. However, the Service is in need of additional information to adequately identify the status of the limpet in Canada and to identify those activities that may be contributing to its decline.

The petitioners stated that the Peterson Lake population, considered as 50 percent of all known populations in the United States, is severely imperiled by ongoing threats and thus should be protected through emergency listing concurrent with critical habitat designation. They further contend that the threats are so great that the normal listing process is insufficient to prevent large losses in this population.

The Service may issue an emergency rule when there is an emergency posing a significant risk to the well-being of a species. For an invertebrate species, the risk must be considered throughout the range of the species rather than in a single population. The Rocky Mountain capshell in Peterson Lake appears to be in a danger of extirpation, but to our knowledge, other populations in Montana and Canada are not immediately threatened. The Service consequently does not believe that emergency listing is warranted at this time.

After a review of the petition and the best scientific and commercial information available, the Service finds that the petitioners provided substantial evidence that there petitioned action to list the Rocky Mountain capshell as an endangered species may be warranted. Within 1 year from the date the petition was received, a finding will be made as to whether listing the Rocky Mountain capshell is warranted, as required by section 4(b)(3)(B) of the Act.

The petitioners also requested that critical habitat be designated. If the 12-month finding determines that the petitioned action to list the Rocky

Mountain capshell as endangered is warranted, then the designation of critical habitat would be addressed in the subsequent proposed rule.

#### References Cited

- Bryce, G.W., Jr. 1970. Rediscovery of the limpet, *Acroloxus coloradensis* (Basommatophora: Acroloxidae), in Colorado. *Nautilus* 83(3): 105-108.
- Burch, J.B. 1982. Freshwater snails (Mollusca: Gastropoda) of North America. Report EPA-600/3-82-02. U.S. Environmental Protection Agency, Cincinnati, Ohio.
- Clarke, A.H. 1970. On *Acroloxus coloradensis* (Henderson) (Gastropoda, Basommatophora) in eastern Canada. Publications in Zoology No. 2:1-14, National Museum of Natural Sciences, Queens Printer for Canada, Ottawa.
- Clarke, A.H. 1973. The freshwater mollusks of the Canadian interior basin. *Malacologia* 13:1-509.
- Clarke, A.H. 1992a. Third progress report of status survey of selected invertebrates of Utah. U.S. Fish and Wildlife Service Contract 14-16-0006-91. Ecosearch, Inc., Portland, Texas. 6 pp.
- Clarke, A.H. 1992b. Fourth progress report of status survey of selected invertebrates of Colorado and Montana. U.S. Fish and Wildlife Service Contract 14-16-0006-91. Ecosearch, Inc., Portland, Texas. 2 pp.
- Walker, B. 1925. New Species of North American Ancyliidae and Lancidae. Occasional Papers of the Museum of Zoology (165). University of Michigan, Ann Arbor. 12 pp.

#### Authors

The primary authors of this finding are José Bernardo Garza, (See ADDRESSES above), James L. Miller, and Harold M. Tyus, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: May 7, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.  
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